

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Farhad Azimzadeh)  
MEETING DATE: September 17, 2003

ITEM: 7

SUBJECT: **Caterpillar Inc., Grover Cleveland Park at the South End of O'Donnell Avenue, San Leandro, Alameda County - Hearing to Consider Mandatory Minimum Penalty for Discharge of Partially Treated Wastewater to Waters of the State**

CHRONOLOGY: July 1999 – VOC General NPDES Permit reissued  
December 2002 – Caterpillar Inc. authorized to discharge under general permit

DISCUSSION: Caterpillar operates a groundwater extraction and treatment system at its solvent cleanup site in San Leandro east of and adjacent to I-880. During January 22 through February 6, 2003, Caterpillar reported two effluent limit violations for trichloroethylene (TCE) at concentrations of 6.2 micrograms per liter (ug/l). These violations exceed the TCE effluent limit of 5.0 ug/l by 24% and require a mandatory minimum penalty (MMP) of \$6,000.

We issued an MMP Complaint to Caterpillar in July (Appendix A). Caterpillar waived its right to a hearing and submitted a \$6,000 supplemental environmental project (SEP) proposal. The SEP proposal (Appendix B) would partially fund the continuation of the Tolay Creek restoration project. This project is located on a State of California property south of Highway 37. Tolay Creek, previously drained for agriculture for more than hundred years ago, was restored to a tidal marsh in the late 1990s. As a follow up to this restoration effort, more than 1,000 feet of the tidal side of perimeter levees will be stabilized to prevent erosion and improve water quality. Heavy equipment will be used to properly contour the shoreline to a gradual slope. Geotextile fabric will be installed to contain sediments and improve germination and establishment of native grasses and shrubs. The roots of the plants will further stabilize the levees. This project will be monitored to determine the success of this restoration method and a report will be prepared documenting the completion of the project. We conclude that the proposed SEP is acceptable.

RECOMMEN-  
DATION: No action required

File No. 2199.9289 & 1210.48 (FA)

Appendices:

- A - MMP Complaint and signed waiver
- B - SEP proposal